'Zero Draft' Report on WHO Reform Punts Pandemic Treaty Forward – Amidst Signals of US Warming to Initiative

Analysis 28/10/2021 • Elaine Ruth Fletcher

Virtual World Health Assembly nerve center at WHO's Geneva headquarters in May 2021, where member states agreed to explore a Pandemic Treaty to improve global health emergency response.

A "Zero Draft" report by a WHO Working Group gives cautious endorsement to advancing negotiations over a new "Pandemic Treaty" among WHO's 194 member states.

That endorsement by the Working Group of member states remains couched in highly nuanced, diplomatic language that makes it clear how big the lift may be to actually negotiate a sharp, focused treaty over the most key issues that have slowed and sometimes paralyzed global pandemic response.

Those issues range from a stronger mandate for WHO to enter countries and independently investigate outbreaks as they are unrolling on the ground – which has been a key issue for Europe and other high-income nations – to questions

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about vaccines and medicines access, which have become an overriding concern for low- and middle-income countries lacking sufficient supplies of basic tools to beat back COVID.

However, the fact the document attempts to gives space to all of those issues is likely to prove reassuring to countries and civil society – that their diverse interests won't be ignored.

Significantly, a senior US diplomat, Colin McIff, is serving alongside Indonesia's Grata Endah Werdaningtyas as the Co-Chair of **"The Bureau"** a group of six countries leading the Working Group discussions, which are open to all 194 WHA members. Others members of the leadership bureau include: Iraq, Botswana, Singapore and France.

McIff's leading role in the debates also signals a possible shift in the US position, whereby Washington may gradually get behind the treaty concept – after its initial scepticism, observers say.

Colin McIff, Deputy Director of the US Office of Global Health, HHS has been a key leader in developing the Zero Draft.

A paper published by US Secretary of State Anthony Blinken and US Secretary of Health And Human Services Xavier Beceerra last month in the **US medical journal JAMA**, had thrown cold water on the pandemic treaty concept that has galvanized Germany and other leading European Union countries, saying that it could "take years to accomplish." They had argued for immediately strengthening the **WHO's International Health Regulations**, which govern WHO member states' responsibilities for detecting, reporting and responding to disease outbreaks that pose global health threats.

World Health Assembly to consider way forward in November

The World Health Assembly is set to consider a way forward on the pandemic treaty and other global health reforms in a special session scheduled for next month – as per a resolution that was **adopted at the May 2021 WHA** session.

The WHA Working Group Zero Draft outlines three options for moving forward, including: reforms to existing International Health Regulations, internal reforms to the WHO, and a new Pandemic Treaty.

One key conclusion, however, is that the existing IHR framework cannot be adapted to accommodate the raft of issues that the COVID pandemic has raised. And that, in and of itself, signals a growing consensus that a more sweeping and binding treaty arrangement may be necessary.

"Repeatedly, Member States have returned to two key themes in the discussion: first, that the status quo is not acceptable to anyone and second, that the WGPR [Working Group on Strengthening WHo Preparedness and Response] must be willing to move forward in a flexible way that advances both of its linked mandates," states a the Zero Draft executive summary.

While acknowledging the "value in exploring the role of existing tools and mechanisms available to WHO for implementing relevant recommendations," …. the Working Group "identified potential benefits of a new WHO convention, agreement or other international instrument for pandemic preparedness and response," states the Zero Draft.

'Off to a 'really good start'

Some influential civil society activists have been **wary about the treaty initiative** – seeing it as a potential diversion from vaccine and medicines access issues, and specifically a proposed World Trade Organization waiver on intellectual property rights for COVID health products, upon which a number of key groups, such as Médecins Sans Frontières are overwhelmingly focused.

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But there are signs that those opinions are not entirely uniform.

"We are happy with the zero draft; it identifies most of the issues that we think are important. You have attention to technology transfer, decentralization and manufacturing," said Jamie Love of Knowledge Ecology International, in an

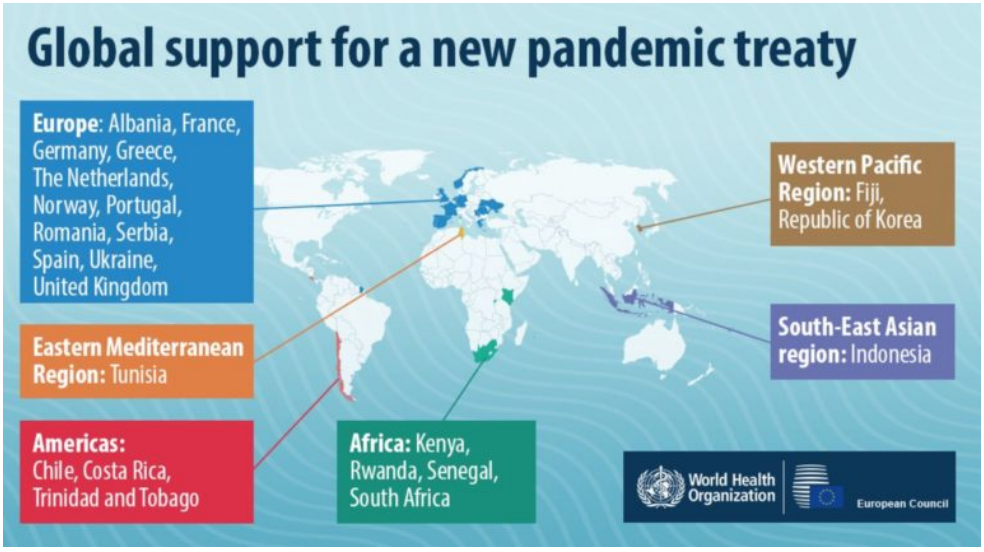
interview with *Health Policy Watch* on Thursday. "I don't know if it will go forward, but I think it's really off to a good start..

"I think the WHO is the right place to have this conversation. And so far in the pre- meetings, I think the delegates have been talking about, and sensitive to issues about transparency.

While describing the WTO negotiations over the IP waiver as immediately significant, Love suggested that a pandemic treaty could offer a more permanent, and legally-binding space, to attend to the long-term challenges around IP norms, medicines and vaccines pricing, as well as finance and legal frameworks for more publicly-supported R&D and decentralized manufacture of health products that would, in turn, foster more robust and versatile supply chains.

"Affordability, access, pricing, technology transfer there is not a sort of handy place to go in the IHR framework," Love said.

US leadership of talks is significant


Global support for a new pandemic treaty
Europe: Albania, France, Germany, Greece, The Netherlands, Norway, Portugal, Romania, Serbia, Spain, Ukraine, United Kingdom
Western Pacific Region: Fiji, Republic of Korea
South-East Asian region: Indonesia
Eastern Mediterranean Region: Tunisia
Americas: Chile, Costa Rica, Trinidad and Tobago
Africa: Kenya, Rwanda, Senegal, South Africa
World Health Organization
European Council

25 heads of government and international agencies have come together in support of the new pandemic treaty

From both the two co-chairs, the US and Indonesia , the contributions have been "very positive," Love added.

And the US leadership role in the Zero draft formulation could also be a signal that Washington is warming to the treaty idea that it had initially opposed – much to the consternation of EU allies like Germany and European Council

President Charles Michel, which have championed the Treaty along with about two dozen other countries – and WHO's Director General Dr Tedros Adhanom Ghebreyesus.

Charles Michel
@eucopresident

With @DrTedros we proposed an international #PandemicTreaty rooted in @WHO constitution.

It would guarantee equity & inclusiveness.

A legally binding instrument would be the most effective basis for prevention, surveillance, collection and exchange of scientific data.

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"It's very encouraging to us that Colin McIff has been so good in terms of the comments that he has been making and the direction that he has steered things," said Love.

"He's a career negotiator and a popular guy. Everyone likes him, the drug companies like him, we like him. He's a good listener."

Moreover, "Colin is widely respected in the US government. And so it does give us some hope that the US position on the pandemic treaty will change."

Love added that negotiations of a binding pandemic treaty now, ahead of another crisis, could help countries actually adhere to their commitments when a new global health threat actually emerges, as it inevitably will in an era of rapid climate change, ecosystem destruction, urbanization and international travel.

"It's better to make these decisions now, before people actually know who has the valuable assets [in terms of new medicines or vaccine candidates]. Ideally you can make commitments that make sense globally and locally because no one knows who is going to be the winners or the losers.

"When there is no emergency people will talk a good game. But when the COVID emergency came along, one country after another peeled off from the solidarity talk. So looking for a more binding commitment actually makes it easier for countries to do the right thing when a pandemic hits."

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